

2013 ADDENDUM 5 OF THE FLAGSTAFF EMPLOYEE HANDBOOK OF REGULATIONS

1-10-011. GENERAL DEFINITIONS

General Definitions apply to the entire Employee Handbook of Regulations; however if there is a conflicting specific definition found within a section, then the specific definition will apply to that section.

“Benefit Eligible Employees” are employees who are tenure eligible, tenure granted and Exempt employee who works twenty (20) hours or more per week.

“Classified Employees” shall have the same meaning as Non-Exempt employees.

“Commissioned” means the employee is an active member of the Public Safety Retirement System and the City Police or Fire Department.

“Domestic Partner” shall have the same meaning as set forth in Section 1-70-010.B.

“Employee Dependents” shall consist of the employee’s parents, spouse or domestic partner, dependent child(ren), step-child(ren), domestic partner’s dependent child(ren) and any other similar close relationship if approved upon petition by the employee to the Human Resources Director through his or her immediate supervisor, Section Head and Division Director.

“Exempt Employees” are employees who are exempt from the overtime pay requirements of the Fair Labor Standards Act (FLSA).

“Fire Suppression Employees” are Commissioned, Non-Exempt employees who engage in fire protection activities as defined by the Fair Labor Standards Act 29 U.S.C. § 203(y) and who work over one hundred eighty-two (182) hours in a twenty-four (24) day work period.

“Full-Time” is considered forty (40) hours per week.

“Key Employee” is defined as a salaried, Benefit Eligible Employee who is among the highest paid ten (10) percent of all the employees working for the employer within seventy-five (75) miles of the employee’s worksite.

“Light Duty” means an employee is able to perform restricted duties and/or schedule per the employee’s treating physician. Light duty may include telecommuting or other types of alternate work schedules per policy 1-20-053.

“Non-Exempt Employees” are employees who are paid wages subject to the overtime pay requirements of the Fair Labor Standards Act.

“Part-Time” is considered twenty (20) hours to thirty-nine (39) hours per week.

“Shift Employees” are employees assigned to a position which is staffed at least six (6) days a week, or twenty-four (24) hours a day, and is assigned a designated work schedule that can be either rotating or permanently assigned.

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“Temporary Employees” are employees hired by the City for a temporary period and who work less than 20 hours per week. Temporary Employees are not Benefit Eligible Employees.

“Tenured Employees” are Non-Exempt employees who have completed their probationary period.

“Unclassified Employees” shall have the same meaning as Exempt employees.

“Working Day” shall be considered equal to 0.38461 percent of the number of working or duty hours in the established work year for each employee.

1-50-010. HOLIDAY LEAVE

Benefit Eligible employees are eligible to receive paid time off or compensatory time for City Holidays and a Floating Holiday each calendar year.

A. DEFINITIONS

1. “City Holidays” include the following holidays: New Years Day, January 1st; Martin Luther King Day, Third Monday in January; President’s Day, Third Monday in February; Memorial Day, Last Monday in May; Independence Day, July 4th; Labor Day, First Monday in September; Veteran’s Day, November 11th; Thanksgiving Day, Fourth Thursday in November; Day After Thanksgiving, Fourth Friday in November; and Christmas Day, December 25th.
2. “Floating Holiday” is paid time off equal to one (1) Working Day each calendar year.
3. “Holiday Compensatory Time” is compensatory hours accrued by an employee in lieu of Holiday Leave pursuant to this policy.
4. “Holiday Leave” is paid leave entitling the employee to receive his or her regular rate of compensation on a City Holiday.
5. “Holiday Time Worked” is the hours worked on a City Holiday that are compensated at one and half times the employee’s regular rate of compensation.

B. ELIGIBILITY

1. Holiday Schedules and Holiday Leave
 - a. Benefit Eligible Employees who are not Shift Employees observe City Holidays that fall on a Sunday the following Monday and holidays that fall on a Saturday the preceding Friday. Benefit Eligible Employees receive Holiday Leave for City Holidays observed, except as provided below.
 - b. Benefit Eligible Shift Employees observe the day of the City Holiday. Benefit Eligible Shift Employees receive Holiday Leave for City Holidays observed, except as provided below.

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- c. If a City Holiday falls on an employee's regularly scheduled Working Day and the employee does not work, they will receive Holiday Leave.
 - d. Holiday Leave will be pro-rated for Part-time Benefit Eligible Employees by dividing the number of hours worked in the week by five (5) and rounding up to the next whole number.
 - e. Temporary Employees receive regular pay for hours worked on a City Holiday.
2. Holiday Compensatory Time and Holiday Time Worked
- a. If a City Holiday falls on a Fire Suppression Employee's regularly scheduled Working Day and the employee does not work, the employee will accrue 3.73 hours of Holiday Compensatory Time for the City Holiday worked in lieu of Holiday Leave.
 - b. If a City Holiday falls on an employee's regularly scheduled day off and the employee does not work, the employee will accrue one (1) Working Day of Holiday Compensatory Time. Fire Suppression Employees will accrue 3.73 hours of Holiday Compensatory Time.
 - c. If a City Holiday falls on an employee's regularly scheduled day off and the employee does work, the employee will accrue one (1) Working Day as Holiday Compensatory Time plus Holiday Time Worked.
 - d. If a City Holiday falls on a Fire Suppression Employee's regularly scheduled day off and the employee does work, the employee will accrue 3.73 hours of Holiday Compensatory Time plus Holiday Time Worked.
 - e. If a City Holiday falls on an employee's regularly scheduled Working Day and the employee does work, the employee will receive Holiday Leave plus will be paid Holiday Time Worked.
 - f. If a City Holiday falls on a Fire Suppression Employee's regularly scheduled Working Day and the employee does work, the employee will accrue 3.73 hours of Holiday Compensatory Time plus will be paid Holiday Time Worked.
 - g. Employees may accrue up to three (3) Working Days of Holiday Compensatory Time, except Fire Suppression Employees may accrue up to five (5) Working Days.
 - h. Holiday Compensatory Time may be used in fifteen (15) minute increments.
3. Exception from Holiday Leave or Holiday Compensatory Time: Any employee who is suspended or on unpaid leave on either the regularly scheduled Working Day immediately preceding or immediately following the City Holiday shall not receive Holiday Leave or Holiday Compensatory Time. Unpaid leave includes when the employee does not have sufficient paid leave time to cover the entire scheduled Working Day.

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4. Floating Holiday

- a. Each Full-Time Benefit Eligible Employee accrues one (1) Floating Holiday annually. The Floating Holiday is pro-rated for Part-Time Benefit Eligible Employees by dividing the number of hours worked in the week by five (5) and rounding up to the next whole number.
- b. Floating Holiday may be used in fifteen (15) minute increments.
- c. Floating Holiday accrues in January and must be used by December 31st. A Floating Holiday shall not carry over into the next calendar year.
- d. Floating Holiday may not be donated per Section 1-50-100.

C. PROCEDURES

1. All Holiday Pay and Holiday Compensatory Time shall be recorded through the City's payroll procedures.
2. Employees may use Holiday Compensatory Time hours accrued with the advance written approval of their immediate supervisor.
3. An employee shall submit a leave of absence form to the immediate supervisor to record the leave through the City's payroll procedures.

D. EFFECTS OF TERMINATION OF EMPLOYMENT

1. Employees may take the Floating Holiday after submitting a notice of resignation with approval from the immediate supervisor, except for the last day of the notice period.
2. Floating Holiday is forfeited and is not paid out upon termination of employment.
3. Holiday Compensatory Time is paid out upon termination of employment.

Link(s): [Arizona Revised Statute Section 38-608](#)

Form(s): [Leave of Absence Request Form](#)

1-50-020. VACATION LEAVE

Benefit Eligible Employees are eligible to receive paid time off for vacation leave after six (6) months of continuous service.

A. ELIGIBILITY

1. The City Manager or designee may authorize an employee, upon hire, to accrue vacation at any rate within the Table A or Table B below, based on years of experience.

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- 2. Employees may use vacation leave in fifteen (15) minute increments.
- 3. Full-Time Benefit Eligible Employees will accrue vacation as set forth in Table A. Part-Time Benefit Eligible Employees will accrue vacation leave pro-rated by multiplying the number of hours worked during a pay period times the percent accrued per pay period listed in Table A.

TABLE A

Non-Exempt Employees Years of Service	Exempt Employees Years of Service	Days Accrued Per Year of Service	Percent Accrued Per Pay Period	Hours Accrued Per Pay Period	Vacation Hours Maximum
1-4		11	4.24%	3.39	132
5-9		13	5.01%	4.01	156
10-14	1-4	16	6.16%	4.93	192
15-19	5-9	18	6.92%	5.54	216
20-24	10-14	21	8.08%	6.46	252
25-29	15-19	23	8.85%	7.08	276
30+	20-24	26	10.00%	8.00	312
	25-29	28	10.77%	8.62	336
	30+	31	11.92%	9.54	372

- 4. Fire Suppression Employees will accrue vacation leave as set forth in Table B:

TABLE B

Fire Suppression Commissioned Non-Exempt Employees Years of Service	Fire Suppression Commissioned Exempt Employees Years of Service	Days Accrued Per Year of Service	Percent Accrued Per Pay Period	Hours Accrued Per Pay Period	Vacation Hours Maximum
1-4		11	4.24%	4.75	185
5-9		13	5.01%	5.61	219
10-14	1-4	16	6.16%	6.90	269
15-19	5-9	18	6.92%	7.75	302
20-24	10-14	21	8.08%	9.05	353
25-29	15-19	23	8.85%	9.91	386
30+	20-24	26	10.00%	11.20	437
	25-29	28	10.77%	12.06	470
	30+	31	11.92%	13.35	521

- 5. Employees may accrue vacation hours up to the maximum set forth in the tables above, which reflect the maximum vacation hours that can be accrued in eighteen (18) months of continuous service. All vacation hours over the maximum allowed that are not used

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by June 30th shall be forfeited, unless carryover is approved as set forth in the Procedures below.

6. New employees may not use accrued vacation leave within the first six (6) months of employment for the City.
7. Employees may donate vacation leave per Section 1-50-100.

B. PROCEDURES

1. Employees wishing to utilize leave shall submit a leave of absence form to the immediate supervisor to obtain approval in advance of leave. The supervisor is responsible for authorizing and scheduling employee time off requests while balancing the work program. Length of service shall be used to resolve conflicts over vacation periods between employees of the same classification.
2. All vacation leave shall be recorded through the City's payroll procedures.
3. An employee may submit a written request to carryover his or her vacation hours in excess of the maximum past June 30th with approval from the immediate supervisor, Section Head, Division Director and Human Resources. Human Resources will notify the employee of the final decision. If approved, the employee may not request to carryover vacation hours in excess of the maximum again for two years.
4. In the event one or more City Holidays fall within a period of vacation leave, such holiday shall not be charged as vacation leave, and the vacation leave shall be extended or credited accordingly.

C. EFFECTS OF TERMINATION OF EMPLOYMENT

1. Employees may take vacation leave after submitting a notice of resignation with approval from the immediate supervisor, except for the last day of the notice period.
2. Employees who have satisfactorily completed six (6) months of service and who terminate employment shall be paid in a lump sum for all unused vacation leave accrued prior to the effective date of termination.

Form(s): [Leave of Absence Request Form](#)

1-50-030. SICK LEAVE

Benefit Eligible Employees are eligible to receive paid time off for sick leave when work time is missed due to the employee's personal injury and/or illness.

A. ELIGIBILITY

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1. Full-Time Benefit Eligible Employees shall accrue sick leave at the rate of one workday for each calendar month of service, not to exceed one thousand and forty (1,040) hours.
2. Benefit Eligible Employees may use up to six (6) days of sick leave during the first six (6) months of employment, regardless of the number of hours accrued. Sick leave hours not yet accrued that are used during the first six (6) months of employment will be deducted from the final paycheck should an employee leave City service during the first six (6) months.
3. In the case of personal sickness or injury where employees are capable of performing Light Duty, the employee shall ~~se~~ advise their immediate supervisor, Section Head or Division Director who may make arrangements, provided Light Duty is available.
4. Employees may use sick leave in fifteen (15) minute increments.
5. Sick leave will be accrued on a pro-rated basis for Part-Time Benefit Eligible employees by multiplying the number of hours worked during a pay period times 4.62%.
6. Employees may not donate sick leave per Section 1-50-100.

B. PROCEDURE

1. Employees may request sick leave by notifying the employee's immediate supervisor, ~~or~~ Section Head, or Division Director one hour prior to the beginning of their scheduled work shift.
2. In cases when the immediate supervisor cannot be reached, notice shall be given to the next level of supervision.
3. An employee shall submit a leave of absence form to the immediate supervisor to record the employee's leave through the City's payroll procedures.
4. The immediate supervisor, Section Head, Division Director, Human Resources Director or designee, may require a medical certification to document the illness and/or injury of the employee when an employee's absence is negatively impacting the efficiency or effectiveness of the program or the employee is suspected of abusing sick leave.
5. Employees diagnosed with a serious and/or ongoing medical condition may have additional coverage under the Family Medical Leave policy 1-50-050 and/or Americans with Disability Act policy 1-10-014.
6. Employees who have accrued more than 1,040 maximum sick leave hours shall be paid one (1) Working Day for each two (2) Working Days of unused sick leave accrued in excess of the maximum on the first pay period in December. The accrual amount shall include leave accrued through the last pay period in November.
7. In the event one or more City Holidays fall within a period of sick leave, such holiday shall not be charged as sick leave.

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8. In the event an employee is on vacation leave and becomes sick or is injured, with proper medical documentation, the work time missed may be changed to sick leave for the date of illness and/or injury.

C. EFFECTS OF TERMINATION OF EMPLOYMENT

1. Employees will be required to provide their immediate supervisor with a medical certification of illness and/or injury for any use of sick leave after submitting a notice of resignation. The employee must work the last day of the notice period.
2. The following categories of employees leaving City service shall be paid for unused sick leave at the rate of one (1) Working Day for each two (2) Working Days of unused sick leave:
 - a. Employees retiring from City employment and receiving retirement benefits from Public Safety Retirement System or the Arizona State Retirement System; or
 - b. Employees resigning or terminated from City employment, with a minimum of twenty (20) years of service as a City employee.

Form(s): [Leave of Absence Request Form](#)

1-50-031. DEPENDENT SICK LEAVE

Benefit Eligible Employees are eligible to use paid time off for dependent sick leave when work time is missed due to their dependent's injury and/or illness.

A. ELIGIBILITY

1. Benefit Eligible Employee may use accrued sick leave hours to care for the employee's Dependents' injury and/or illness.
2. When employees are capable of performing Light Duty while caring for their Dependents, they shall advise their immediate supervisor, Section Head or Division Director who may make arrangements, provided Light Duty is available.
3. Employees may use dependent sick leave in fifteen (15) minute increments.

B. PROCEDURE

1. Employees may request dependent sick leave by notifying the employee's immediate supervisor, Section Head, or Division Director one hour prior to the beginning of their scheduled work shift.
2. In cases when the immediate supervisor cannot be reached, notice shall be given to the next level of supervision.

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3. An employee shall submit a leave of absence form to the immediate supervisor to record the employee's leave through the City's payroll procedures.
4. The immediate supervisor, Section Head, Division Director, Human Resources Director or designee, may require medical certification to document the illness and/or injury of the employee's Dependent when an employee's absence is negatively impacting the efficiency or effectiveness of the program or the employee is suspected of abusing dependent sick leave.

C. EFFECTS OF TERMINATION OF EMPLOYMENT

1. Employees will be required to provide their immediate supervisor with medical certification of illness and/or injury for any use of dependent sick leave after submitting a notice of resignation. The employee must work the last day of the notice period.
2. Dependent sick leave is part of an employee's sick leave accrual and paid out in accordance with the Sick Leave policy.

Form(s): [Leave of Absence Request Form](#)

1-50-032 PERSONAL LEAVE

Benefit Eligible Employees are eligible to use paid time off for personal leave when work time is missed due to personal reasons.

A. ELIGIBILITY

1. Benefit Eligible Employees may use up to two (2) Working Days of accrued sick leave per calendar year for matters of personal business.
2. Personal Leave is accrued on a pro-rated basis for Part-Time Benefit Eligible Employees by dividing the number of hours worked in the week by five (5) and rounding up to the next whole number.
3. Employees may use personal leave in fifteen (15) minute increments.

B. PROCEDURE

1. Employees may request personal leave by notifying the employee's immediate supervisor one hour prior to the beginning of their scheduled work shift.
2. In cases when the immediate supervisor cannot be reached, notice shall be given to the next level of supervision.
3. An employee shall submit a leave of absence form to the immediate supervisor to record their leave through the City's payroll procedures

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4. Personal leave cannot be accumulated or carried over into another calendar year.

C. EFFECTS OF TERMINATION OF EMPLOYMENT

1. Employees may take personal leave after submitting a notice of resignation with the approval of the immediate supervisor, but must work the last day of the notice period.
2. Personal leave is part of an employee's sick leave accrual and paid out in accordance with the Sick Leave policy.

Form(s): [Leave of Absence Request Form](#)

1-50-033. PURCHASE DAY PROGRAM

Benefit Eligible Employees may purchase additional paid time off by participating in the purchase day program.

A. DEFINITIONS

"Purchase Days" are paid time off the employee may purchase through a pre-tax payroll deduction. A Purchase Day is equal to one (1) Working Day.

B. ELIGIBILITY

1. A Full-Time Benefit Eligible Employee may purchase up to ten (10) Purchase Days per fiscal year after completing six (6) months of continuous service, if a timely request is submitted.
2. Employees may not purchase partial Purchase Days.
3. Employees may use Purchase Days in fifteen (15) minute increments.

C. PROCEDURE

1. Employees must submit a request to participate between May 1st and May 31st in order to be eligible to participate the following fiscal year. Employees must re-elect each fiscal year to participate in the purchase day program.
2. The Benefit Eligible Employee may request to participate in the purchase day program by submitting a Purchase Day Program Request form to the employee's immediate supervisor, Section Head, Division Director, Deputy City Manager, Human Resources Director or designee and City Manager or designee.
3. Human Resources will notify the employee of the final approval and the cost of the paid time off the employee wishes to purchase. The cost is based on the employee's current hourly rate of pay times the number of Purchase Days at the time of the request. The total purchase amount is then divided by twenty-four (24) pay periods over the fiscal year.

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- a. In the event the employee's salary or hourly rate changes during the fiscal year, the cost of the Purchase Days shall not be adjusted.
- b. The cost may not jeopardize an employee's minimum wage earnings.
4. The deductions will be pre-tax from the employee's paycheck per Section 125 under the Internal Revenue Service code. The pre-tax election may not be changed during the fiscal year. When the Purchase Day (or approved increments) are used, the cost will be reflected as income in the employee's paycheck and subject to applicable withholdings and deductions.
5. Purchase Days must be used within the fiscal year by June 30th or they will be forfeited.
6. Employees wishing to utilize Purchase Days must request and obtain approval in advance. The supervisor is responsible for authorizing and scheduling employee time off requests while balancing the work program, and may deny use of Purchase Days if not requested sufficient time in advance.
7. An employee shall submit a leave of absence form to the immediate supervisor to record the employee's Purchase Day leave through the City's payroll procedures.
8. Purchase Days are paid at the employee's regular pay rate excluding any type of additional pay.

C. EFFECTS OF TERMINATION OF EMPLOYMENT

1. Employees who leave City service will receive a refund for any Purchase Days not used, which will be reflected as income in the employee's paycheck and subject to applicable withholdings and deductions.
2. Employees who leave City service and who have used Purchase Days not yet paid for will pay for the amount owed from their last paycheck. The last paycheck will show the cost deducted. Any balance not deducted from the employee's last paycheck will be paid to the City within six (6) months after leaving the City's employment. After six (6) months, any unpaid balances will be forwarded to collection and the employee will be responsible for the cost of the collection, including any attorney fees and court costs.

Form(s): [Purchase Day Program Request Form](#)

1-50-040. BEREAVEMENT LEAVE

Benefit Eligible Employees are eligible for paid time off for bereavement leave in the event of the death of an immediate family member.

A. DEFINITIONS

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1. "Immediate Family Members" are the employee's spouse or Domestic Partner; and any of their parents, children, step-children, brothers or sisters, grandparents, and grandchildren and any other similar close relationship if approved upon petition by the employee to the Human Resources Director through the employee's immediate supervisor, Section Head and Division Director.

B. ELIGIBILITY

1. Benefit Eligible Employees may receive up to five (5) Working Days of bereavement leave for an Immediate Family Member's death, subject to City operational needs as determined by the immediate supervisor.
2. Bereavement leave will be pro-rated for Part-Time Benefit Eligible Employees by dividing the number of hours worked in the week by five (5) and rounding up to the next whole number.
3. Non-Tenured and Temporary Employees may receive up to five (5) Working Days of unpaid time off for bereavement.

B. PROCEDURE

1. An employee may petition his immediate supervisor to allow bereavement leave for any person whose relationship to the employee, spouse or domestic partner was similar to an Immediate Family Member.
2. If an employee wishes to take time off due to the death of an Immediate Family Member, the employee should notify his or her supervisor immediately.
3. An employee shall submit a Leave of Absence Form to the immediate supervisor to record the employee's bereavement leave through the City's payroll procedures.

Form(s): [Leave of Absence Request Form](#)

1-50-050. FAMILY MEDICAL LEAVE

The Family and Medical Leave Act of 1993 (FMLA) as amended provides eligible employees with up to 12 work weeks of job protected unpaid leave in a single twelve (12) month period for the birth or adoption of a child; care of a child, spouse, or parent who has a serious medical condition; or the employee's own serious health condition; or to take care of military related "qualifying exigencies" of a family member. A covered employer is required to maintain group health insurance coverage, including family coverage if premiums are paid, for an employee on Family and Medical Leave on the same terms as if the employee continued working.

The Family Medical Leave Act also provides eligible employees with up to twenty-six (26) workweeks of job protected unpaid leave in a single 12-month period, to care for a covered member of the Armed Forces or covered veteran with a serious injury or illness. An employer is not required to provide in excess of twenty-six (26) workweeks unpaid job protected leave within a 12-month period, regardless of the type of FMLA leave taken

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A. DEFINITIONS

1. "Covered Active Duty" means duty during deployment of the Armed Forces, National Guard or Reserves member to a foreign country, including deployment to international waters.
2. "Covered Service Member" is a current member of the Armed Forces (including a member of the National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a Serious Injury or Illness.
3. "Covered Veteran" is a veteran of the Armed Forces (including a member of the National Guard or Reserves) who is discharged within the 5-year period before the family member first takes Military Caregiver Leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a Veteran Serious Injury or Illness. A veteran who was dishonorably discharged is not a Covered Service Member.
4. "FMLA Eligible Employee" means an employee who meets all of the following conditions:
 - a. Benefit Eligible Employee who has worked for the City of Flagstaff for at least twelve (12) months, which need not be consecutive; and
 - b. The employee has worked at least one thousand two hundred and fifty (1,250) hours during the twelve (12) months prior to the start of FMLA leave. Regular and overtime hours are counted as hours worked; however, any type of paid or unpaid leave hours are excluded.
5. "Health Care Provider" is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices or any other person determined by the U.S. Secretary of Labor to be capable of providing health care services, or any health care provider who is accepted by the City's group health plan including clinical social workers.
6. "In Loco Parentis" is a person who helped raise and had day-to-day responsibilities to care for and financially support the employee as a child, assuming the role of a parent.
7. "Intermittent Leave" is taking leave in separate blocks of time..
8. "Key Employee" is defined as a salaried, FMLA Eligible Employee who is among the highest paid ten (10) percent of all the employees working for the employer within seventy-five (75) miles of the employee's worksite.
9. "Military Caregiver Leave" means FMLA leave taken to care for a Covered Service Member or Covered Veteran with a Serious Illness or Injury.

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10. "Next of Kin of a Covered Veteran" is the nearest blood relative, other than the veteran's spouse, Parent, Son or Daughter, designated in writing by the veteran or in the order of priority set forth in FMLA regulations.
11. "Parent" means a biological, adoptive step or foster father or mother, or any other individual who stood in Loco Parentis to the employee when the employee was a child. This term does not include parents "in law".
12. "Qualifying Exigency" is a need for an employee to take care of certain matters arising out of the fact that the employee's spouse, Son or Daughter, or Parent is a Covered Service Member on Covered Active Duty (military deployment to a foreign country) and includes (1) short-notice deployment, (2) military events and related activities, (3) childcare and school activities, (4) care of the military member's parent who is incapable of self-care, (5) financial and legal arrangements, (6) counseling, (7) up to fifteen (15) days rest and recuperation, (8) post-deployment activities, (9) additional activities not encompassed in the other categories, but agreed to by the employer and employee.
13. "Qualifying Exigency Leave" means leave taken by a FMLA Eligible Employee as a result of a Qualifying Exigency.
14. "Qualifying Reasons" are:
 - a. for the birth of a Son or Daughter and to care for a newborn child within one year of birth;
 - b. for the placement with the employee of a child for adoption or foster care, or to care for a newly placed child within one year of placement;
 - c. to care for the employee's spouse, Son or Daughter, or Parent, but not a "parent-in-law, and in addition Domestic Partner per City policy who has a Serious Health Condition;
 - d. when the employee is unable to work because of a Serious Health Condition that prohibits the employee from performing any of the essential functions of the job; or
 - e. any Qualifying Exigency arising out of the fact that the employee's spouse, Son or Daughter, or Parent is a Covered Service Member on Covered Active Duty.
15. "Reduced Scheduled" is a reduced number of hours in the employee's usual weekly or daily work schedule.
16. "Serious Health Condition" is an illness, injury, impairment, or physical or mental condition that involves either:
 - a. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or

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- b. Continuing treatment by a health care provider, which includes a period of incapacity lasting more than fourteen (14) consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - i. Treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits) the first within seven (7) days and both within thirty (30) days of the first day of incapacity; or
 - ii. Treatment by a health care provider (i.e., an in-person visit) within seven (7) days of the first day of incapacity with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or
 - ii. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
 - iii. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
 - iv. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
 - v. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.

17. "Serious Injury or Illness" is:

- a. One that was incurred by a Covered Service Member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating; or
- b. One that was incurred by a Covered Veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, regardless of when such injury or illness became manifested, and that is either:
 - i. A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank or rating; or
 - ii. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50

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percent or greater, and the need for military caregiver leave is related to that condition; or

iii. A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or

iv. An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

18. "Son or Daughter" means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. Incapable of self-care because of mental or physical disability requires active assistance or supervision to provide daily self-care in three or more activities of daily living or instrumental activities of daily living.

19. "Twelve Month Period" is defined as a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave.

B. ELIGIBILITY

1. A FMLA Eligible Employee may take unpaid, job-protected leave for any Qualifying Reason, for up to twelve (12) workweeks within a 12-month period.

2. A FMLA Eligible Employee who is the spouse, Domestic Partner, Son or Daughter, Parent, or Next of Kin of a Covered Veteran with a Serious Injury or Illness may take unpaid, job-protected leave, for up to twenty-six (26) workweeks within a 12-month period to provide care for the veteran.

3. A FMLA Eligible Employee who is the spouse, Domestic Partner, Son or Daughter, Parent, or Next of Kin of a Covered Service Member with a Serious Injury or Illness may take unpaid, job-protected leave for up to twenty-six (26) weeks within a 12-month period to care for the Covered Service Member.

4. A FMLA Eligible Employee is limited to a combined twenty-six (26) weeks of unpaid, job-protected leave in any 12-month period, regardless of whether leave is taken for a Qualifying Reason or as Military Caregiver Leave.

5. FMLA leave may be taken intermittently or on a Reduced Schedule. When FMLA leave is taken intermittently or on a Reduced Schedule, only the amount of leave actually taken will be counted against an employee's FMLA leave entitlement.

6. Spouses or Domestic Partners both employed by the City of Flagstaff may be limited to a combined total of twelve (12) workweeks of FMLA for the following reasons:

a. for the birth and care of a child;

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- b. for the placement of a child for adoption or foster care, and to care for a newly placed child; and
 - c. to care for an employee's parent who has a Serious Health Condition.
7. A Parent is entitled to take FMLA leave to care for a Son or Daughter eighteen (18) years of age or older, if the adult Son or Daughter:
- a. has a disability as defined by the Americans with Disabilities Act;
 - b. is incapable of self-care due to that disability;
 - c. has a Serious Health Condition; and
 - d. is in need of care due to the Serious Health Condition.
8. FMLA leave may be taken in 15 minute increments.
9. Under FMLA a Key Employee may be exempt from reinstatement to their current or equivalent position. For determination contact the Human Resources Director or designee.
10. FMLA Eligible employees may use any accrued leave during FMLA leave instead of taking unpaid leave. Donated leave may be requested during FMLA leave per Section 1-50-100 when all accrued leave has been exhausted. Sick Industrial and Workers' Compensation may be substituted for paid leave when applicable per Article 1-80.
11. Employees who are not eligible for FMLA leave or who have exhausted FMLA may be eligible for a Leave of Absence per Section 1-50-080 or a Leave Without Pay per Section 1-50-081.

C. PROCEDURE

- 1. When a FMLA Eligible Employee knows in advance that he or she will be off work for more than fourteen (14) calendar days for a Qualifying Reason or for Military Care Giver Leave, a Family and Medical Leave Request Form, including the appropriate certification, must be submitted to Human Resources within thirty (30) calendar days prior to the event.
- 2. When FMLA leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.
- 3. When leave is needed for birth and care, or placement for adoption or foster care, use of Intermittent leave is subject to the immediate supervisor's approval.
- 4. When the need to take FMLA leave is not foreseeable, the employee must provide at minimum (1) one Working Day of verbal notice to the immediate supervisor, followed by

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submission of a Family and Medical Leave Request Form within three (3) Working Days. However, the employee has fifteen (15) calendar days to provide the appropriate certification.

5. All FMLA requests shall be supported by the appropriate documentation.
 - a. All FMLA requests, other than a Qualifying Exigency Leave and Military Caregiver Leave, must be supported by medical certification from a Health Care Provider or a state or federal child placement agency.
 - b. Qualifying Exigency Leave requests must be supported by a copy of the Covered Service Member's active duty orders and certification providing the appropriate facts related to the particular Qualifying Exigency for which leave is sought, including contact information if the leave involves meeting with a third party.
 - c. Military Caregiver Leave requests must be supported by a certification completed by an authorized Health Care Provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the Covered Service Member's or Covered Veteran's family.
 - d. All certifications will be authenticated or clarified by Human Resources, not the employee's immediate supervisor, and used to determine if the request for absence is supported.
 - e. Human Resources may contact the individual or entity named in a certification for purposes of verifying the statement provided. In cases when the City has reason to doubt the statement provided by a Health Care Provider, the City may require at their own expense a second opinion from a physician designated or approved by the City.
6. Human Resources will designate leave as FMLA qualifying within five (5) days of receiving the Family and Medical Leave Request Form and appropriate documentation.
7. Human Resources will notify the supervisor of the FMLA leave and request a Personnel Action Form (PAF) is completed.
8. An employee shall submit a leave of absence form to the immediate supervisor to record paid leave through the City's payroll procedures.
9. Paid time off, sick industrial and or workers compensation benefits, and short term disability will run concurrently with FMLA leave.

D. RETURN TO WORK

1. Employees must communicate with Human Resources and the employee's immediate supervisor regarding the employee's intent to return to work before returning to work. An employee will return to the employee's former position or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

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2. If the FMLA leave was for an employee's own health condition, a full release statement from a physician, certifying that the employee can perform all the essential functions of the position with or without a reasonable accommodation, shall be submitted to Human Resources prior to returning to work. An employee may not return to work without providing the appropriate documentation.
3. Human Resources will notify the supervisor of the return from FMLA leave and request a Personnel Action Form (PAF) is completed.
4. If the employee's position is required to have a Fitness for Duty Exam completed before returning to work, Human Resources will schedule the exam upon receipt of the employee's release to work. The employee will not be scheduled to regular duty until they have successfully passed all fitness for duty exams as required for their position. The examination will relate to the employee's ability to perform the essential functions of the employee's job.

E. EFFECTS OF LEAVE ON BENEFITS

1. The City shall maintain group benefit coverage for the duration of the FMLA leave at the level and under the conditions coverage would have been provided if the Benefit Eligible Employee had been employed continuously for the duration of the FMLA leave.
2. The City shall maintain coverage of the group life insurance for the duration of the FMLA leave, unless the group plan is terminated by the City.
3. The Benefit Eligible Employee may elect to continue dependent health and or basic life insurance coverage. The Benefit Eligible Employee will be required to pay the employee's portion of the premium, regardless if the employee is on paid or unpaid leave. If the Benefit Eligible Employee elects to discontinue the dependent health or basic life insurance coverage while on FMLA, dependents may be re-enrolled upon the employee's return to work. The Benefit Eligible Employee must complete re-enrollment form(s) within thirty-one (31) days of returning to work to elect dependent coverage. The coverage will be reinstated the first day of the month following the completion of the appropriate form(s), if a timely request is submitted. Employees may also have the option to convert the basic life insurance coverage while on FMLA leave by completing the appropriate paperwork.
4. A Benefit Eligible Employee who has voluntary life insurance and or short term disability may elect to continue the coverage while on FMLA leave. The Benefit Eligible Employee will be required to pay the employee's premium, regardless if the employee is on paid or unpaid leave. If the Benefit Eligible Employee elects to discontinue the voluntary life insurance coverage while on FMLA leave, and the employee may reinstate the coverage upon returning to work. The Benefit Eligible Employee must complete re-enrollment form(s) within thirty-one (31) days of returning to work to re-elect coverage. The coverage will be reinstated the first day of the month following the completion of the appropriate form(s), if a timely request is submitted. Benefit Eligible Employees may also choose to port or convert the voluntary life coverage while on unpaid FMLA leave

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by completing the appropriate paperwork. Please note that portability is only available for a non-medical leave.

5. A Benefit Eligible Employee will not accrue any leave while on unpaid FMLA leave.
6. Retirement Service credits do not accrue during any period of unpaid FMLA leave but will commence upon the employee's return to work. An active member may obtain service credit for up to a one year period when on an approved unpaid leave of absence from employment through the Arizona State Retirement System. The purchase is subject to the one-year limitation on the amount of service that may be accrued in a fiscal year.
7. Continuous Service dates for continuous service, accrual rates, seniority, and general pay adjustments will include FMLA leave (paid or unpaid) as creditable service, providing the employee returns to work on the first work day following the end of the authorized FMLA leave.

F. TERMINATION OF EMPLOYMENT

An employee will be considered to have voluntarily terminated employment if the employee:

1. Fails to return to work upon expiration of the period of leave to which the employee was entitled and has not requested an extended leave of absence or if the extended leave of absence is denied and the employee does not return to work.
2. Advises the City of the employee's intent not to return to work.
3. Refuses comparable reemployment to an equivalent job as defined by applicable law.

Link(s): [U.S. Department of Labor](#)
[U.S. Department of Labor – FMLA Employee Guide](#)
[U.S. Department of Labor – FMLA FAQs](#)
[Arizona Revised Statute Section 38-739](#)
[Arizona Revised Statute Section 38-849 C](#)

1-50-060. MILITARY LEAVE

An employee who is a member of the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard, Reserves or Public Health Service will be granted a leave of absence for military service, training or related obligations in accordance with applicable state and federal law. At the conclusion of the leave, upon the satisfaction of certain conditions, an employee generally has a right to return to the same position the employee held prior to the leave or to a position with like seniority, status and pay that the employee is qualified to perform. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and state law prohibit discrimination and retaliation based on a person's membership or service (voluntary or involuntary) in the uniformed services with regard to any aspect of employment.

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In compliance with USERRA, employees and/or applicants for employment will not be discriminated against with respect to hiring, reemployment, retention, promotion, or any other benefit of employment because of past or present military service obligation, or future application for or membership in a uniformed service.

A. ELIGIBILITY

1. All Non-Exempt and Exempt employees are eligible for an unpaid leave of absence to perform military service under the provisions of USERRA.
2. Some temporary employees may be eligible for such leave if the military service falls within a previously designated period of employment.

B. PROCEDURE

1. An employee shall provide notice to the employee's immediate supervisor as soon as possible after receiving military orders unless precluded by military necessity. If feasible, this notice should be in writing and accompanied by any military orders that the employee has received.
2. An employee may use accrued leave except sick and dependent sick and/or any portion of the paid Military Training Leave per Section 1-50-061 during military leave or may take leave without pay.
3. An employee shall submit a Leave of Absence Form to the immediate supervisor to record the employee's military leave through the City's payroll procedures.
4. The supervisor shall submit a Personnel Action Form (PAF) for the beginning and ending of the military leave.

C. RETURN TO WORK

1. Employees entering military duty shall be permitted to return to employment with all seniority, service credits, status, benefits, and pay the employee would have enjoyed had the employee not been absent, subject to the following conditions:
 - a. The employee must be absent from his or her employment position due to service in the uniformed services as defined by USERRA.
 - b. The employee must provide advance notice of the service to the City. The employee should make every effort to give notice of impending military service as far in advance as reasonable under the following circumstances:
 - i. The notice may be provided by the employee or an appropriate officer from the employee's branch of service.
 - ii. The notice may be verbal or in writing.

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- c. The employee on military leave retains for up to five (5) years his or her right to reemployment to the position he or she would have attained by remaining continuously employed.
 - d. The employee must return to work or apply for reemployment in a timely manner after conclusion of service, as defined below:
 - i. For military leave of absence of less than thirty-one (31) days, the employee must return to work on the next regular business day after discharge, his or her safe transportation home and a break of at least eight (8) hours;
 - ii. If the period of unpaid leave is greater than thirty (30) days but less than one hundred and eighty (180) days, the employee must provide written notification of his or her availability to return to work within fourteen (14) days after discharge; and
 - iii. If unpaid leave is greater than one hundred and eighty (180) days, the employee has ninety (90) days after discharge to provide written notification of his or her intention to return to work.
 - iv. Employees who are hospitalized or recovering from injuries caused by active duty may have up to two (2) years to return to work, as prescribed under applicable provisions of USERRA.
 - e. The employee must have been separated from service with an honorable discharge.
2. An employee who does not comply with the return to work requirements may forfeit his or her reemployment rights pursuant to federal law and the City's established policies and procedures on returning from a leave of absence.
 3. Upon release from military service, the employee will be returned to City employment as follows:
 - a. To his or her former position. If the employee's job is of such a nature that it must be permanently filled, the City will attempt to return the employee to a comparable position, with all the rights and benefits the employee enjoyed before leave was taken. If no such position is available upon return, the City will offer the employee the first comparable position that becomes available. In the event the employee does not qualify for a comparable position, the City will provide reasonable efforts to qualify the individual.
 - b. The City will make reasonable efforts to accommodate person with a disability incurred or aggravated during military service.
 - i. If, despite reasonable accommodation efforts, the person is not qualified for the position due to his or her disability, the person must be employed in a vacant position of equivalent seniority, status, and pay, so long as the employee is

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qualified to perform the duties of the position or could become qualified to perform them with reasonable efforts by the City.

- ii. If the person does not become qualified for the position, the City will reemploy the person in another vacant position he or she is qualified to perform and which is the “nearest approximation” of the position to which the person is otherwise entitled, in terms of status and pay, with full seniority.
4. If an employee was eligible to take a promotional exam and missed it while performing military service, the City will provide the employee with an opportunity to take the missed promotional exam after a reasonable amount of time to adjust to reemployment. The following factors will be taken into account when determining what a reasonable amount of time is:
 - a. The length of time the returning employee was absent from work.
 - b. The level of difficulty of the promotional exam.
 - c. The typical time necessary to prepare or study for the exam.
 - d. The duties and responsibilities of the reemployment position and the promotional position.
 - e. The nature and responsibilities of the service member while serving in the uniformed service.

D. EFFECTS OF LEAVE ON BENEFITS

1. Employees on military leave may elect to continue group benefit coverage for the employee and the employee’s dependent’s up to twenty-four (24) months of unpaid leave per USERRA, even if the employee is participating in the military health benefits coverage. The City’s health plan must be the primary insurer when such dual coverage exists.
 - a. If unpaid military leave is less than thirty-one (31) days, the employee will pay the same share for coverage as any active employee.
 - b. If unpaid military leave exceeds thirty (30) days, the employee will be offered COBRA and must pay the entire cost of coverage plus a two (2) percent administrative fee. This extended coverage may be terminated if the employee does not make timely payments or does not return to work after military service.
 - c. The employee may choose to port or convert life insurance coverage while on unpaid military leave by completing the appropriate paperwork.
2. Employees who elect to discontinue group benefit and/or voluntary coverage while on military leave may reinstate the coverage upon returning to work. The employee must

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complete the re-enrollment form(s) within thirty-one (31) days of returning to work to re-elect coverage.

3. The City will reinstate the employee's group benefit coverage immediately with no waiting periods and no conditions.
4. As mandated by ARS Section 38-745, if an employee is an active member of the Arizona State Retirement System (ASRS) and is a member of the Arizona National Guard, or is a member of the reserves of the United States military and volunteers or is ordered into active military services as part of a military call-up is eligible to received ASRS credited service time while on active duty. The same will apply to those employees participating in the PSPRS.
 - a. The employee must be honorably separated from active duty and return to the City within ninety (90) days of either discharge from active duty or release from service-related hospitalization, or have died as a result of active military service.
 - b. The employee can receive a maximum of sixty (60) months of ASRS and PSPRS credited service. The City will pay both the employee and the City's contributions in a lump sum upon return to work or receipt of death certificate. These contributions are based on the salary the member would have accrued if the member had not volunteered or been ordered into active service.
 - c. Should the employee serve more than sixty (60) months in the military call-up, the employee may purchase any of the months over the maximum of sixty (60) months by utilizing the standard procedure for purchasing active military service.
 - d. The employee must provide a DD-214 or its equivalent to the City. If the employee died as a result of active duty, a death certificate must be provided.

Link(s): [Uniformed Services Employment and Reemployment Rights Act of 1994 \(USERRA\)](#)
[Arizona Revised Statute Section 26-167](#)
[Arizona Revised Statute Section 26-168](#)

Form(s): [Leave of Absence Request Form](#)

1-50-061. MILITARY TRAINING LEAVE

Employees shall be granted a paid military leave for training duty or to attend camps, maneuvers, formations or drills under orders with any branch or reserve of the armed forces of the United States.

A. DEFINITIONS

1. "Year" means the fiscal year of the United States government (i.e. October 1st through September 30th).

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2. "Paid Military Leave" is paid leave entitling the employee to receive his or her regular rate of compensation.

B. ELIGIBILITY

1. All Non-Exempt and Exempt employees are eligible for military training leave.
2. Some temporary employees may be eligible for such leave if the military service falls within a previously designated period of employment.
3. Employees shall be granted a Paid Military Leave for training for a period not to exceed thirty (30) working days in any two consecutive years in accordance with the provisions of ARS Section 38-610.
4. Paid Military Leave will be pro-rated for Part-Time Benefit Eligible Employees by dividing the number of hours worked per week by five (5) and rounding to the next whole number.
5. Employees may use Paid Military Leave in fifteen (15) minute increments.

C. PROCEDURES

1. All employees eligible for paid military leave shall give their supervisors an opportunity, within the limits of military regulations, to determine when such leave shall be taken.
2. An employee shall submit a Leave of Absence Form to the immediate supervisor to record the employee's military training leave through the City's payroll procedures.
3. Valid evidence of orders must be submitted to the employee's supervisor along with a leave of absence form.
4. The supervisor shall submit a Personnel Action Form for the beginning and ending of the military training leave.

Link(s): [Arizona Revised Statute Section 38-610](#)

Form(s): [Leave of Absence Request Form](#)

1-50-070. JURY DUTY LEAVE

Benefit Eligible Employees are eligible to receive paid time off for jury duty leave.

A. ELIGIBILITY

1. Benefit Eligible Employees summoned to jury duty shall be paid the employee's regular hourly wage or salary provided the employee submits his or her jury fees to the City of Flagstaff.

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- a. Jury fees shall be equal to the total amount of the check received from the Court minus pay received for travel and related child care expenses incurred due to jury duty.
- b. Jury fees shall be submitted to Payroll via personal check.
2. Jury duty leave does not apply when the employee is a party in the court case or such court appearance is in connection with the employee's personal matters (i.e. traffic court, divorce proceedings, etc.).
3. Employees may use other appropriate types of accrued leave such as vacation leave, personal leave, floating holiday leave or compensatory time to respond to personal matters.
4. Employees may use jury duty leave in fifteen (15) minute increments.

B. PROCEDURE

1. Employees must inform their immediate supervisor if selected for jury duty or subpoenaed to appear in court by the United States, the State of Arizona, a County, or a Municipality. The employee must immediately present a copy of the official notice, summons, or subpoena to the employee's immediate supervisor.
2. An employee shall submit a leave of absence form to the employee's immediate supervisor to record the jury duty leave through the City's payroll procedures.
3. Employees are to report to work any day the Court is not in session, when the jury duty or summons period has ended or when excused by the Court.
4. Either the City of Flagstaff or the employee may request an excuse or postponement from jury duty, if in the City's judgment the employee's absence would create serious operational difficulties.
5. Jury duty and subpoena leave hours are not counted as hours worked for the purpose of calculating eligibility for overtime pay for Non-Exempt employees.

Link(s): [Arizona Revised Statute Section 21-236](#)

Form(s): [Leave of Absence Request Form](#)

1-50-071. CRIME VICTIM LEAVE

Benefit Eligible Employees are eligible to receive unpaid crime victim leave who is victim of a crime or juvenile offense.

A. ELIGIBILITY

1. An employee who is the victim of a crime or juvenile offense shall be granted leave to:

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- a. Attend a proceeding pursuant to Arizona Revised Statute Sections 8-420 or 13-4439;
or
 - b. Appear in Court or meet with Legal Counsel to seek an order of protection, injunction, or other injunctive relief to help ensure the health, safety or welfare of the victim or victim's child.
2. Employees on crime victim leave shall be entitled to an unpaid leave of absence for such time or may use other appropriate types of accrued leave such as vacation leave, personal leave, floating holiday leave or compensatory time while on crime victim leave.
 3. Employees may use crime victim leave in fifteen (15) minute increments.

B. PROCEDURES

An employee shall submit a leave of absence form to the immediate supervisor to record the crime victim leave through the City's payroll procedures.

Link(s): [Arizona Revised Statute Section 8-420](#)
[Arizona Revised Statute Section 13-4439](#)

Form(s): [Leave of Absence Request Form](#)

1-50-072. VOTING DAY LEAVE

Benefit Eligible Employees are eligible to receive paid time off for voting day leave.

A. DEFINITIONS

"Voting Day Leave" is paid leave entitling the employee to receive his or her regular rate of compensation.

B. ELIGIBILITY

1. Pursuant to Arizona Revised Statute Section 16-402, during primary or general state of Arizona elections, shall be granted leave to vote at the beginning or end of the work shift, if there are less than three (3) consecutive hours between the opening of the polls and the beginning of the employee's regular work shift or less than three (3) consecutive hours between the end of the employee's shift and the closing of the polls. The amount of leave granted shall be equal to three (3) hours minus the time difference between work hours and the opening or closing of the polls.
2. Voting day leave hours are not counted as hours worked for the purposes of calculating overtime pay for Non-Exempt employee.

C. PROCEDURES

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1. Employees must notify their immediate supervisor prior to the day of election, and the supervisor may specify the hours during which the employee may be absent for the purpose of voting.
2. An employee shall submit a leave of absence form to the immediate supervisor to record voting day leave through the City's payroll procedures.

Link(s): [Arizona Revised Statute Section 16-402](#)

Form(s): [Leave of Absence Request Form](#)

1-50-080. PAID LEAVE OF ABSENCE

Benefit Eligible Employees are eligible to use appropriate accrued leave for a paid leave of absence.

A. ELIGIBILITY

1. Benefit Eligible Employees may request a paid leave of absence when the employee is not eligible for FMLA leave, has exhausted FMLA leave or for medical, educational or personal reasons as described in the Leave Without Pay policy Section 1-50-081.
2. Benefit Eligible Employees may only use sick and dependent sick accrued leave for a paid leave of absence request for medical leave or in lieu of FMLA leave. All other accrued leave types may be used for any type of paid leave of absence.
3. Employees may request a paid leave of absence intermittently or on a Reduced Schedule. The employee should make a reasonable effort to schedule leave during times that will not unduly disrupt the employer's operations.
4. Employees may use approved leave in fifteen (15) minute increments.

B. PROCEDURES

1. Employees may request a leave of absence by submitting a Leave of Absence Request Form to the employee's immediate supervisor, Section Head, Division Director, Deputy City Manager and the Human Resources Director or designee including the type of leave being requested, the beginning and ending dates of the leave period and the type of accrued leave the employee would like to use.
2. Human Resources will notify the supervisor of the paid leave of absence and request a Personnel Action Form (PAF) is completed at the beginning of the leave period.
2. While on a leave of absence, employees must use all appropriate accrued leave during the employee's absence.

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3. Employees on paid leave of absence for medical leave or in lieu of FMLA leave may submit a donated leave request per Section 1-50-100 or leave without pay request per Section 1-50-081 after they have exhausted all of his or her accrued leave.
4. The immediate supervisor shall submit a Personnel Action Form (PAF) at the end of the leave period to return the employee back to active duty.

C. EFFECTS OF TERMINATION OF EMPLOYMENT

Employees may take accrued leave after submitting a notice of resignation, but must work the last day of the notice period.

Form(s): [Leave of Absence Request Form](#)

1-50-081. LEAVE WITHOUT PAY

Benefit Eligible Employees are eligible for a leave without pay once all appropriate accrued leave including donated leave has been exhausted.

A. ELIGIBILITY

1. Benefit Eligible Employees who have exhausted all accrued leave including donated leave may request a leave without pay for medical, educational, or personal reasons as described below.
2. The Division Director may approve a leave without pay for up to two (2) weeks per calendar year.
3. The Deputy City Manager may approve a leave without pay for a maximum of twelve (12) months.
4. Employees may request a leave without pay intermittently or on a Reduced Schedule. The employee should make a reasonable effort to schedule leave during times that will not unduly disrupt the employer's operations.

B. PROCEDURES

1. Medical Leave
 - a. Employees may request medical leave without pay if they are not eligible for FMLA leave, if the employee has exhausted FMLA leave and all accrued leave has been used.
 - b. The employee may request a medical leave without pay by submitting a Leave of Absence Request Form and a written request from the employee's treating physician to the immediate supervisor, Section Head, Division Director, Deputy City Manager, and Human Resources Director or designee prior to the effective date of the leave.

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- c. Human Resources may contact the individual or entity named in the treating physician written request for purposes of verifying the statement provided. In cases when the City has reason to doubt the statement provided by the treating physician the City may require at the City's expense a second opinion from a physician designated or approved by the City.

2. Educational Leave

- a. Employees must provide a written request that includes the period of leave being requested, course or courses to be taken, and the benefit the employee will receive in relation to his or her current position.
- b. The employee may request an educational leave without pay by submitting a Leave of Absence Request Form and the written request to the immediate supervisor, Section Head, Division Director, Deputy City Manager, and Human Resources Director or designee prior to the effective date of the leave.

3. Personal Leave

- a. Employees must provide a written request that includes the period of leave being requested and the reason for personal leave without pay.
- b. The employee may request a personal leave without pay by submitting a Leave of Absence Form and the written request to the immediate supervisor, Section Head, Division Director, Deputy City Manager, and Human Resources Director or designee, prior to the effective date of the leave.

4. Upon approval of a leave without pay, Human Resources will request a Personnel Action Form (PAF) is completed at the beginning and at the end of the leave without pay.

5. The employee's evaluation date will be extended by the number of Working Days equal to the period of the leave taken. Employees who have taken leave without pay on a intermittent or Reduced Schedule the extension will be based on the number of hours.

6. Employees returning to work from approved leave without pay shall be returned to the same or equivalent position held prior to taking the leave without pay. Under leave without pay a Key Employee may be exempt from reinstatement to their current or equivalent position. For determination contact the Human Resources Director or designee.

C. EFFECTS OF LEAVE ON BENEFITS

1. Employees on leave without pay shall receive no compensation and will not earn accrued leave.
2. Benefit Eligible Employees will lose group benefit coverage the last day of the month after the start of the leave without pay per Section 1-70-010. The Benefit Eligible Employee must complete re-enrollment form(s) within thirty-one (31) days of returning to

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work to elect coverage. The coverage will be reinstated the first day of the month following the completion of the appropriate form(s), if a timely request is submitted.

3. State Retirement service credits do not accrue during any period of leave without pay but will commence upon the employee's return to work. An active member may obtain service credit for up to a one (1) year period when on an approved unpaid leave of absence from employment through the Arizona State Retirement System or the Public Safety Retirement System. The purchase is subject to the one-year limitation on the amount of service that may be accrued in a fiscal year.

D. TERMINATION OF EMPLOYMENT

An employee will be considered to have voluntarily terminated employment if the employee:

1. Fails to return to work upon expiration of the period of leave to which the employee was entitled and has not requested an extended leave or if the extended leave is denied and the employee does not return to work.
2. Advises the City of his or her intention not to return to work.
3. Refuses comparable reemployment to an equivalent position.

Link(s): [Arizona Revised Statute Section 38-739](#)
[Arizona Revised Statute Section 38-849 C](#)

Form(s): [Leave of Absence Request Form](#)

1-50-090. UNAUTHORIZED LEAVE WITHOUT PAY

Any unauthorized absence for one (1) day or an assigned shift by an employee shall be deemed to be absent without pay and abandonment of his or her position. Employees who abandon their job in this manner shall be automatically deemed to have resigned.

Under extenuating circumstances the appropriate Division Director may rescind the assumed resignation and grant leave without pay.

1-50-100. DONATED LEAVE

Benefit Eligible employees may donate leave to other requesting employees for any reason.

A. ELIGIBILITY

1. Benefit Eligible Employee may donate leave to a requesting employee that meets certain requirements:
 - a. The employee requesting donated time must be benefit eligible and been employed for at least six (6) months.

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- b. The employee requesting donated leave must have exhausted all appropriate leaves.
2. All donated leave will be transferred to the receiving employee as paid time off at the receiving employee's regular rate of pay.
3. Employees may use donated time in the following increments:
 - a. If the employee is able to return to work on a reduced schedule, the employee may use donated time in one (1) hour increments in order to remain benefit eligible (e.g. twenty hours per week) or maintain the employee's bi-weekly pay. Any accrued leave will be used prior to the employee using donated leave.
 - b. If the employee is unable to return to work, the employee may use donated time in hour increments in order to remain benefit eligible (e.g. twenty hours per week) or maintain the employee's bi-weekly pay.
4. Employees may request donated leave on more than one occasion for the same situation.

B. PROCEDURES

1. Employees may request donated leave by submitting a Donated Leave Request Form to the immediate supervisor, Section Head, Division Director, Deputy City Manager, Human Resources Director or designee. The employee may specify if the leave is for medical or non-medical reasons, in which case such information will be provided to other employees. The employee also may not specify the reason for requesting leave.
2. Donated time will come from employees' accrued vacation balances or holiday compensatory time, on a voluntary anonymous basis.
3. Donated time will be used on an hour-for-hour basis, not an hourly rate.
4. When multiple contributions are made, the hours will be given to the requesting employee in order of receipt of the donation forms.
5. Unused donated time will be returned to the donor's leave accruals.

Form(s): [Donated Leave Request Form](#)
[Leave Donation Form](#)
[Donated Leave Requests](#)

1-50-200. INCLEMENT WEATHER

The City shall provide municipal services to the maximum extent possible. Under severe inclement weather, the City Manager or designee may suspend City operations when the concern for the safety of employees overrides the value of continued work.

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A. ELIGIBILITY

1. Emergency City operations may not be suspended and employees will continue to full-fill his or her assigned shift.
2. Non-emergency City operations may be suspended and the City Manager may authorize employees to arrive later than the beginning of or leave earlier than the end of his or her assigned shift.

B. PROCEDURES

1. The City Manager will notify employees of closure by the emergency telephone number, City website and/or City email.
2. When City operations are suspended the employee may choose to make up the hours in the current workweek or use accrued leave.
3. Upon approval of the employees' immediate supervisor an employee may be allowed to stay at work or offer to work in snow operations. Employees can contact Public Works Administration in order to work in snow operations.
4. Employees who report to work late or leave early on a day the City Manager does not suspend operations shall make up the hours in the current workweek or use accrued leave.
5. Employees who wish to use accrued leave will submit a Leave of Absence Request Form to the employee's immediate supervisor to record their leave through the City's payroll procedures.